



Livestock Facility Siting

Livestock Facility Siting Monthly Report -- June 2006

Rule Highlights and Accomplishments

- The Wisconsin Counties Association (WCA) and Towns Association (WTA), in consultation with DATCP, developed a model zoning and licensing ordinance to implement the siting law. The licensing model is available on the WCA web site at <http://www.wicounties.org/> and the WTA web site at <http://www.wisctowns.com/LivestockFacilityModelOrdinance.html>. The model zoning ordinance provisions are available the WCA web site at <http://www.wicounties.org/> and the WTA web site at <http://www.wisctowns.com/Sample%20Livestock%20Ordinance%20Provisions.html>
- The official version of the rule is now available on the web:
ATCP 51- Livestock facility siting, <http://www.legis.state.wi.us/rsb/code/atcp/atcp051.pdf>
Appendix A - Application form and worksheets
http://www.legis.state.wi.us/rsb/code/atcp/atcp051_app_a.pdf
Appendix B - Nutrient management,
http://www.legis.state.wi.us/rsb/code/atcp/atcp051_app_b.pdf
Appendix C - Notice to adjacent property owners
http://www.legis.state.wi.us/rsb/code/atcp/atcp051_app_c.pdf

Review Board Activities

- All members attended the first meeting of the Livestock Facility Siting Review Board held on May 30, 2006. The Board was introduced to the siting law, and educated about its role and responsibilities as an appeals authority. The Board considered bylaws that will establish procedures for conducting meetings and reviewing cases.
- The Board has scheduled meetings for the next 6 months, and it will next meet on June 30, 2006.

Information and Outreach

- DATCP continues with an extensive information and outreach effort. The training sessions have primarily targeted local governments and others.

Local Government Education

- Assisted about 50 residents who attended a May 10th meeting in the Town of Armenia, Juneau County to understand the requirements of the siting law.



Livestock Facility Siting

- Worked with WCA to set up a June 8th statewide workshop targeted to county conservation and zoning departments. Nearly 70 people from over 25 counties attended the workshop which featured breakout sessions of interest to county staff.
- Provided specialized training to about 20-25 attendees in Dodge County on June 8th. The County is considering implementation options that will meet its special needs. For example, only half of the towns have county zoning.
- Worked with UW-Extension (UWEX) to continue to identify training opportunities and other partnerships that may be beneficial for Livestock Siting. Key accomplishments include outreach to county agricultural and community development agents in counties and towns that currently have a permit requirement for livestock operations.
- Provided additional information to LaCrosse and Dunn Counties, and the Town of Mosinee in Marathon County concerning the requirements of the law.
- Provided specialized training to about 15 people in the Town of Kewaskum, Washington County on May 23rd. The town is considering adoption of a resolution to enforce its existing zoning ordinance through Nov. 1, 2006, but the town may not adopt a siting ordinance because they would prefer that it is administered by Washington County.

Producer and Professional Education

- Distributed a survey to engineering consultants, county technicians, county extension agents, county planning and zoning departments, certified crop advisors, and NRCS to identify their interest in technical training on the standards in the worksheets.

Other Education

- Developed and distributed newsletters to a range of stakeholders on these key topics: summary of law and rule, important deadlines, regulatory options under the livestock facility siting law and rule, zoning issues related to agricultural districts and non-agricultural districts, and the impact of the law on exclusive agricultural zoning.

Issues and Implementation Challenges

These are the key implementation challenges identified and/or addressed during the reporting period:

Impact of Siting Law on Exclusive Agriculture Zoning Districts

The Land and Water Conservation Board approved DATCP guidance to local governments regarding LWCB certification of exclusive agricultural zoning ("EAZ") ordinance amendments needed to implement the new siting law. The guidance states that some ordinance amendments may require certification by the LWCB, but most will not.



Livestock Facility Siting

- No certification is required if a local government merely amends its conditional use permit (CUP) standards to conform to siting law requirements or adds CUP requirements.
- Certification may not be required if local government merely creates an overlay zone that does not change the requirements of an underlying EAZ zone.
- Certification will be required if a local government creates multiple EAZ districts to locate and manage livestock operations.

Transition Period for Ordinance Modification

Local governments with existing ordinances are concerned about the 6-month timeframe to update their ordinances. They are evaluating their options to take advantage of the 6-month “grace period”, and are reaching different conclusions on how they can continue to issue permits without formally modifying their ordinances. Many are planning a single revision to their ordinance to incorporate ATPC 51 standards and requirements. A small number of local governments also need help understanding their rights to enforce permit requirements during the transition period.

Impact of Siting Law and Rule on Existing Ordinances

Many local governments are coming to appreciate which ordinances are unaffected by the new law, and are considering how they can use these ordinances to achieve conservation and other objectives without relying on the siting law. In end, they will make their decisions to implement the siting law based on many factors including the effectiveness of alternatives. In addition, local governments are also seeking information about how the siting law interacts with and impacts existing ordinances, including feedlot ordinances.

Local Administration

Local governments, particularly towns, do not have access to the same technical resources as counties to administer the siting law and issue permits. They are looking to UWEX, county conservation departments and the private sector for assistance. In one county, UWEX and the county land conservation department (LCD) will have distinct roles to help administer town zoning ordinances. UWEX will assist farmers with their applications, while the LCD provides assistance to towns in reviewing applications, charging the towns for this service based on a fee schedule.

Multiple Zoning Districts and Necessary Findings

Local governments are considering whether to create multiple zoning districts with at least one agricultural district that excludes livestock operations or caps operations by size. They are evaluating their options and need better guidance on how to meet the “public health and safety” test. DATCP will provide more detail about the local governments that pursue this course of action when this information becomes available.



Livestock Facility Siting

Ordinance Updates

No local government has submitted a new or amended ordinance to date. Local governments have adopted resolutions to allow them to apply the siting standards until November 1, 2006 without changing their ordinance. At least one county has shared a draft licensing ordinance with DATCP.

Applications and Actions

DATCP has provided information about the rule to some producers who are preparing applications for local approval of new or expanded livestock facilities. These producers submitted applications for approval to their local government sometime after May 1, 2006. The local governments are not required to provide DATCP copies of applications until they make their decision to approve or deny the applications.

Siting Standards

More Stringent Standards

Local governments are considering whether to impose more stringent standards to protect public health and safety. They are evaluating if they can continue to enforce unique local standards in their ordinances or add new standards to address gaps in the state standards. Local governments need better guidance on how to meet the "public health and safety" test.

Research and Grant Activities

Conservation Innovation Grant

Wisconsin's Dairy and Livestock Air Emission/Odor Project. The steering committee has reviewed applications from 15 producers to participate in the grant project, and is recommending that DATCP select up to 9 of the applications. Successful applicants will be contacted to develop agreements and to finalize project details.